

## Agricultural Marketing Service, USDA

## § 91.5

91.40 Fees for courier service and facsimile of the analysis report.

91.41 Charges for demonstrations and courses of instruction.

91.42 Billing.

91.43 Payment of fees and charges.

91.44 Charges on overdue accounts and issuance of delinquency notices.

91.45 Charges for laboratory services on a contract basis.

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EDITORIAL NOTE: Nomenclature changes to part 91 appear at 61 FR 51350, Oct. 2 1996.

### Subpart A—Administration

#### § 91.1 General.

This part consolidates the procedural and administrative rules of the Science and Technology Division of the Agricultural Marketing Service for conducting the analytical testing and laboratory audits with quality assurance reviews. It also contains the fees, charges and laboratories applicable to such services.

#### § 91.2 Definitions.

Words used in the regulations in this part in the singular form will import the plural, and vice versa, as the case may demand. As used throughout the regulations in this part, unless the context requires otherwise, the following terms will be construed to mean:

*Analyses.* Microbiological, chemical, or physical tests performed on a commodity.

*Applicant.* Any person who requests services provided by the Division.

*Legal holidays.* Those days designated as legal public holidays specified by Congress in paragraph (a) of section 6103, title 5 of the United States Code and any other day declared to be a holiday by Federal Statute or Executive Order. Under section 6103 and Executive Order 10357, as amended, if the specified legal public holiday falls on a Saturday, the preceding Friday shall be considered the holiday, or if the specified legal holiday falls on a Sunday, the following Monday shall be considered to be the holiday.

#### § 91.3 Authority.

The Division Director is charged with the administration of this subchapter.

### Subpart B—General Services

#### § 91.4 Kinds of services.

(a) *Analytical tests.* Analytical laboratory testing services under the regulations consist of microbiological, chemical, and certain other analyses, requested by the applicant and performed on tobacco, seed, dairy, egg, fruit and vegetable, meat and poultry, and related processed products. Analyses are performed to determine if products meet Federal specifications or specifications defined in purchase contracts and cooperative agreements. Analyses are also performed on egg products as part of the mandatory Egg Products Inspection Program.

(b) *Examination and licensure.* The Division administers examinations and issues licenses to chemists to certify the grade of cottonseed.

(c) *Quality assurance reviews.* The Division performs on-site laboratory quality assurance reviews (both required and voluntary) to ensure that appropriate technical methods, equipment maintenance, and quality control procedures are being observed.

(d) *Consultation.* Technical advice, statistical science consultation, and quality assurance program assistance are provided by the Division for domestic and foreign laboratories.

#### § 91.5 Where services are offered.

(a) Services are offered to applicants at the Science and Technology Division laboratories and facilities as listed below.

(1) *Science and Technology Division regional laboratories.* A variety of tests and laboratory analyses are available in two regional multi-disciplinary Science and Technology Division (S&TD) laboratories, and are located as follows:

- (i) USDA, AMS, S&TD, Midwestern Laboratory, 3570 North Avondale Avenue, Chicago, IL 60618.
- (ii) USDA, AMS, S&TD, Eastern Laboratory, 2311-B Aberdeen Boulevard, Gastonia, NC 28054.

(2) *Science and Technology Division aflatoxin laboratories.* The specialty laboratories performing aflatoxin testing on peanuts, peanut products, tree nuts and other commodities are located as follows:

- (i) USDA, AMS, S&TD, 1557 Reeves Street, Mail: P.O. Box 1368, Dothan, AL 36302.
- (ii) USDA, AMS, S&TD, c/o Golden Peanut Company, 200 West Washington Street, Mail: P.O. Box 488, Ashburn, GA 31714.
- (iii) USDA, AMS, S&TD, 1211 Schley Avenue, Albany, GA 31707.
- (iv) USDA, AMS, S&TD, c/o Golden Peanut Company, 301 West Pearl Street, Mail: P.O. Box 279, Aulander, NC 27805.
- (v) USDA, AMS, S&TD, 610 North Main Street, Blakely, GA 31723.
- (vi) USDA, AMS, S&TD, 107 South Fourth Street, Madill, OK 73446.
- (vii) USDA, AMS, S&TD, c/o Steven Industries, Cargill, Inc., 715 North Main Street, Mail: P.O. Box 272, Dawson, GA 31742.
- (viii) USDA, AMS, S&TD, 308 Culloden Street, Mail: P.O. Box 1130, Suffolk, VA 23434.

(3) *Citrus laboratory.* The Science and Technology Division Citrus Laboratory specializes in testing citrus juices and other citrus products and is located as follows: Science and Technology Division Citrus Laboratory, 98 Third Street, SW, Winter Haven, FL 33880.

(4) *Divisional laboratories.* Laboratory services are available in all areas covered by cooperative agreements providing for this laboratory work and entered on behalf of the Department with cooperating Federal or State laboratory agencies pursuant to authority contained in Act(s) of Congress. Also, services may be provided in other areas not covered by a cooperative agreement if the Administrator determines that it is possible to provide laboratory services.

(5) *Other alternative laboratories.* Laboratory analyses may be conducted at alternative Science and Technology Division laboratories and can be reached from any commodity market in which a laboratory facility is located to the extent laboratory personnel is available.

(6) *The Plant Variety Protection (PVP) Office.* The PVP office and plant examination facility of the Science and Technology Division issues certificates of protection to developers of novel varieties of plants which reproduce sexually and is located as follows: USDA, AMS, Science and Technology Division, Plant Variety Protection Office, Room 500 National Agricultural Library Building, Beltsville, MD 20705.

(7) *Science and Technology Division headquarters offices.* The examination, licensure, quality assurance reviews, and consultation services are provided by headquarters staff located in Washington, DC.

(8) *Statistical Branch offices.* Statistical Science services are provided by Science and Technology Division (S&TD) offices located as follows:

- (i) USDA, AMS, Science and Technology Division, Statistical Branch, Kansas City Technical Center, 10383 No. Executive Hills Blvd., Kansas City, MO 64153.
- (ii) USDA, AMS, S&TD, Statistical Branch, 0611 So. Agriculture Bldg., 14th & Independence Avenue, SW., Washington, DC 20250.

(9) *Residue Branch offices.* Services afforded by the Recordkeeping Program for restricted use pesticides by certified applicators and services afforded by the Pesticide Data Program are provided by offices located as follows:

- (i) USDA, AMS, Science and Technology Division, 8700 Centreville Rd., suite 200, Manassas, VA 22110.
- (ii) USDA, AMS, Science and Technology Division, Office of Director, 3507 So. Agriculture Bldg., 14th & Independence Avenue, SW., Washington, DC 20250.

(b) The addresses of the various laboratories and offices appear in the pertinent parts of this subchapter. A prospective applicant may obtain a current listing of addresses and telephone numbers of Science and Technology Division laboratories, offices, and facilities by addressing an inquiry to the Director, Science and Technology Division, Agricultural Marketing Service,

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United States Department of Agriculture (USDA), P.O. Box 96456, Washington, DC 20090-6456.

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### § 91.6 Availability of services.

(a) Services may be furnished whenever a Science and Technology Division staff is available and the facilities and conditions are satisfactory for the conduct of such service.

(b) Laboratories may provide limited service on Saturdays and Sundays at a premium fee. Weekend service may be obtained by contacting the laboratory director or supervisor.

(c) Holiday and overtime laboratory service may be obtained with a minimum 24 hour advance notice, at a premium fee, by any prospective applicant through the laboratory director or supervisor.

## Subpart C—Application for Services

### § 91.7 Nondiscrimination.

All services under these regulations are provided to applicants without discrimination as to race, color, handicapped or disabled condition, religion, sex, age, or national origin.

### § 91.8 Who may apply.

An application for service may be made by any individual or interested party including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent on behalf of the foregoing.

### § 91.9 How to make an application.

(a) *Voluntary.* An application for analysis and testing may be made by contacting the director or supervisor of the Science and Technology Division laboratory where the service is provided, or by contacting either the Laboratory Operations Coordination branch chief, or the Technical Services branch chief at Science and Technology Division Headquarters, Washington, DC. A list of the Science and

Technology Division laboratories is included in § 91.5.

(b) *Mandatory.* In the case of mandatory analyses, such as those required to be performed on eggs and egg products, application for services may be submitted to the office or division which administers the program, or by contacting an inspector who is involved with the program.

### § 91.10 Information required in connection with an application.

(a) An application for laboratory service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by facsimile. If an application for laboratory service is made orally, written confirmation may be required by the laboratory involved.

(b) In connection with each application for a laboratory service, information that may be necessary to perform analyses on the processed product(s) shall also be furnished. The information shall include, but is not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or load number, codes or other identification marks, the number of containers, the type and size of the containers, the analytical test requested, and the size of the sample. In addition, information regarding analysis of the lot by any federal agency previous to the application and the purpose of the desired laboratory service may be requested.

### § 91.11 Filing of an application.

An application for a laboratory service shall be regarded as filed only when made in accordance with the regulations in this part.

### § 91.12 Record of filing time and laboratory tests.

A record showing the date of receipt for each application for a laboratory service or an appeal of a laboratory service shall be maintained. In addition, the requested laboratory analyses shall be recorded at the time of sample receipt.